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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,173	11/27/2001	Donald G. Lemley	PB 00 0067	2083
45149	7590	02/09/2006	EXAMINER	
TELLABS OPERATIONS, INC. LEGAL DEPARTMENT 1415 WEST DIEHL ROAD NAPERVILLE, IL 60563			NGO, NGUYEN HOANG	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/996,173

Applicant(s)

LEMLEY ET AL.

Examiner

Nguyen Ngo

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Amendment***

This communication is in response to the amendment of December 29, 2005. All changes made to the Claims have been entered. Accordingly, Claims 1-13 are currently pending in the application.

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).

- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

It is noted that there is no Brief Description of the Several Views of the Drawings.

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first converter to convert first line side switch signaling to packet based signaling and the second converter to convert first 64 Kbps voice payload to first Voice over Internet Protocol packet, as well as the third and fourth converter mentioned in claim 2, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 6, 7, 10, and 11 are and rejected under 35 U.S.C. 102(e) as being anticipated by Donovan et al. (US 6879680), hereinafter referred to as Donovan et al.

**Regarding claim 1, 6, 7, and 10**, Donavan discloses a enterprise gateway and method (packet voice gateway, col3 lines 9-39 and figure 3)), comprising;

a signaling gateway which provides bi-directional protocol translation from a telephone signaling protocol, to an Internet telephony signaling protocol such as SIP or H.323 (first converter to convert first line side local switch signaling (telephone signaling protocol) to packet based signaling (SIP), col3 lines12-18).

a media gateway which provides bi-directional protocol translation between traditional telephony time division multiplexed voice circuits to an IP transport protocol (a second converter to convert first 64 Kbps voice payload (traditional telephony time division multiplexed voice circuits) to first Voice over Internet Protocol packets (IP transport protocol), col3 lines 20-24).

**Regarding claim 2 and 11**, Donovan discloses that the signaling gateway and media gateway are bi-directional and perform bidirectional protocol translations in the manner described in claim 1.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan et al. (US 6879680), hereinafter referred to as Donovan.

**Regarding claim 3**, Donovan fails to disclose the specific limitation of having the first converter comprise a V5.2 switch interface. However this is a standard well known in the art and thus would have been obvious to incorporate a V5.2 switch interface into the signaling gateway (first converter) disclosed by Donovan.

7. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan et al (US 6879680), in view of Parham et al. (US 6839342), hereinafter referred to as Donovan and Parham.

**Regarding claim 4, and 5** Donovan fails to disclose the specific limitation of having the packet based signaling be compliant with Media Gateway Control Protocol and Signaling Gateway Control Protocol. Donovan however discloses that numerous Internet telephony signaling protocol be used such as SIP or H3.23.

Parham further discloses examples of call session control protocols include SGCP, MGCP, H.323, and SIP. It would have thus been obvious to incorporate the limitation of having the packet based signaling be compliant with MGCP and SGCP as disclosed by Parham with the method for extending Internet Telephony over virtual private network direct access lines as disclosed by Donovan, as these protocols are well known in the art.

8. Claims 8, 9, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan et al. (US 6879680), in view of applicants disclosed admitted Prior Art.

**Regarding claims 8 and 12**, Donovan fails to disclose the specific limitation of transmitting the first VOIP to a cable modem with a multimedia terminal adapter. However applicant discloses on page 5 of the Background of the Invention of admitted prior art, and states telephony and high-speed data services are delivered to a subscriber via a Cable Modem with Multimedia Terminal Adapter, which is well known in the art. It would have thus been obvious to incorporate the transmitting of VOIP to a cable modem with a multimedia terminal adapter to effectively provide service to a cable system.

**Regarding claims 9 and 13**, Donovan fails to disclose the specific limitation of transmitting the first VOIP to a cable modem termination system with an edge router. However applicant discloses on page 4 of the Background of the Invention of admitted prior art, and states at the headend, a Cable Modem Terminal System with Edge Router communicates through RF channels with cable modem at subscriber homes to create a LAN connection, which is well known in the art. It would have thus been obvious to incorporate the transmitting of a VOIP packet to a cable modem termination system with an edge router to effectively provide service to subscriber homes of a cable system.



***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Lin et al. (US 6434139), Method For Optimizing Mobile Wireless Communications Routed Across Plural Interconnected Networks.

b) Charas et al. (US 6747986), Packet Pipe Architecture For Access Networks

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2663

11 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Ngo whose telephone number is (571) 272-8398. The examiner can normally be reached on Monday-Friday 7am - 3:30 pm.

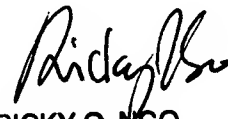
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

N.N.  
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**Nguyen Ngo**

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**RICKY Q. NGO**  
SUPERVISORY PATENT EXAMINER